

STATE ALLOCATION BOARD DVBE POLICY Adopted August 26, 1992

DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS FOR SAB FUNDED CONTRACTS IN THE LEASE-PURCHASE & STATE RELOCATABLE CLASSROOM PROGRAMS

Definitions

The term "Disabled Veteran Business Enterprise" (DVBE) means a business concern that is certified as a DVBE by the Office of Small and Minority Business.

The term "contract" means an agreement awarded by a school district in which all or part of the funding is provided by the State Allocation Board (SAB) under either the Lease-Purchase or State Relocatable Classroom Programs.

The term "bidder" means any person or persons, firm, partnership, corporation or combination thereof who makes an offer, competitive or non-competitive, with the intent of forming a contract with one or more school districts on a SAB funded project.

Disabled Veterans Business Enterprise Goals

In addition to the school districts contracting requirements, potential contractors seeking to enter into contracts with school districts on a SAB funded project under the Lease-Purchase & State Relocatable Classroom Program for labor, services, materials, supplies, equipment, construction, alteration repair or improvement shall be required to meet a 3 percent participation goal for certified DVBE's or demonstrate that a good faith effort was made to meet the goal.

In order for any sole proprietorship, partnership, corporation or other enterprises to obtain certification or to be counted toward meeting the DVBE contract goals, such business concern must possess current and valid certification as a DVBE through the Office of Small and Minority Business.

For contracts awarded by competitive bid, a bidder must demonstrate fulfillment of this requirement at or prior to the time of bid opening in order to qualify as a responsive bidder. For contracts not awarded by competitive bid, a potential contractor must demonstrate fulfillment of this requirement prior to entering into the contract.

The DVBE participation goal shall apply to all SAB funded school district contracts over \$10,000 in the Lease-Purchase and certain contracts over \$10,000 in the State Relocatable Classroom Program (architectural, on-site inspections and utility hookups).

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Goals - continued

Any bidder meeting the 3 percent participation goal for DVBE's is eligible for award of a school district contract. If a bidder is unable to meet the 3 percent participation goal, the bidder shall demonstrate a good faith effort by submitting documentation of all the following actions:

- Contact was made with the school district to identify DVBE's;
- Contact was made with other state agencies and with local DVBE organizations to identify DVBE's;
- Advertising was published in trade papers and papers focusing on DVBE's;
- Invitations to bid were submitted to potential DVBE contractors; Available DVBE's were considered.

The school district shall evaluate the effort made by the bidder to seek out and consider DVBE's as potential subcontractors, and/or material or equipment suppliers. In evaluating such effort, the school district shall consider documentation of the actions specified above. Based on this evaluation, the school district may make a finding that the 3% DVBE participation goal or the good faith effort requirement has been met. The school district finding in this regard is subject to audit by OPSC. A bidder is eligible for award of a school district contract upon a finding by the school district that a 3% DVBE participation goal or good faith effort to meet the participation goal has been achieved.

If a bidder fails to meet either the goal or a good faith effort to meet the 3% goal, such bidder shall be deemed not to be a responsive bidder for purposes of the school districts' evaluation of an award of contract and is thus ineligible for an award.